

*Lake*

BEFORE THE  
SHORELINES HEARINGS BOARD  
STATE OF WASHINGTON

IN THE MATTER OF THE )  
ISSUANCE OF A SUBSTANTIAL )  
DEVELOPMENT PERMIT BY THE )  
CITY OF BONNEY LAKE )  
RICHARD C. CARLSON and )  
SHIRLEY J. KAMMEYER, )  
Appellants, )  
vs. )  
CITY OF BONNEY LAKE, )  
Respondent. )

SHB No. 30

FINDINGS OF FACT,  
CONCLUSIONS AND ORDER

This matter, a request for review of the granting of a substantial development permit for the further development of waterfront property on Lake Tapps in Pierce County, Washington for park and recreational use together with facilities required for boat launching and daytime boat moorage, came before the Shorelines Hearings Board (all members present) as a hearing at 9:30 a.m. on January 10, 1973 in the chambers of the Pierce County Commissioners, County City Building, 9th and Tacoma

1 Avenue, Tacoma, Washington.

2 Mr. David G. Moore, Route 3, Box 5, Sumner, Washington, appeared  
3 in behalf of the appellants. Respondent, the City of Bonney Lake, was  
4 represented by Frederick P. Smith of the firm of Jacobs, Steiner and  
5 Smith, Puyallup, Washington.

6 Walt Woodward, Chairman of the Shorelines Hearings Board, acted  
7 as hearings officer.

8 At the outset of the hearing, attorney for respondent made two  
9 challenges to the Board. The first concerned the right of Mr. Moore  
10 to act in a representative capacity in behalf of the appellants and  
11 the second questioned the Board's jurisdiction in the matter. The  
12 Board, noting the large group of witnesses assembled to testify,  
13 deferred ruling on the second challenge and ordered the hearing to  
14 continue with Mr. Moore representing the appellants.

15 On the basis of testimony heard, exhibits reviewed and the hearing  
16 of arguments by counsel, the Shorelines Hearings Board prepared Proposed  
17 Findings of Fact, Conclusions and Order which were submitted to the  
18 appellants and respondent on May 4, 1973. No objections or exceptions to  
19 the Proposed Findings, Conclusions and Order having been received, the  
20 Shorelines Hearings Board makes and enters the following:

21 FINDINGS OF FACT

22 I.

23 Respondent's Exhibit 2, a booklet entitled "Park and Open Space  
24 Plan," prepared by Calvin Jordan and Associates, Urban Planning  
25 Consultants in behalf of the City of Bonney Lake, is an accurate  
26 description of the surroundings near to and contiguous with the project;

27 FINDINGS OF FACT,  
CONCLUSIONS AND ORDER

1 the reasons and need for the project; the purpose and scope of the  
2 project, and the history of Lake Tapps and the City of Bonney Lake.  
3 The Board adopts all references to these conditions as its own  
4 Findings of Fact.

5 II.

6 Appellants protested that they did not have a fair and full  
7 hearing on the project before the City Council granted approval.

8 III.

9 The State Interagency on Outdoor Recreation has entered into an  
10 agreement with the City of Bonney Lake to provide financial assistance  
11 toward the cost of developing the recreational facilities. The  
12 agreement provides that the Agency will pay \$150,000 or 75 percent of  
13 the total project cost, whichever amount is less.

14 IV.

15 Consultant for the respondent had provided a fairly definitive  
16 formal plan of the project by December, 1971 which was approved by  
17 the City Council of Bonney Lake on December 31, 1971.

18 From which follows these

19 CONCLUSIONS

20 I.

21 Assuming, without admitting, that there is error in allowing  
22 Mr. Moore to represent parties in this appeal, it has not been  
23 prejudicial to any of the parties to the appeal.

24 II.

25 Respondent, Bonney Lake, contends that a substantial development  
26 permit is not required for the shoreline development project it

27 FINDINGS OF FACT,  
CONCLUSIONS AND ORDER

1 desires to undertake because of the exemption provided uncodified,  
2 in Section 14(9)(a) of the Shoreline Management Act which exemption  
3 applies to a final plat approved after April 13, 1961, or the  
4 preliminary plat approved after April 30, 1969. However, in view of  
5 the Board's disposition of the appeal, it does not rule on  
6 respondent's Motion to Dismiss as provided in WAC 371-08-085.

7 III.

8 There is no evidence in the record that appellant's comments to  
9 the City Council of Bonney Lake regarding the project in question were  
10 not heard with an open mind.

11 IV.

12 This project is consistent with the policy of the Shoreline  
13 Management Act of 1971 and the proposed guidelines of the Department  
14 of Ecology.

15 From these Conclusions, the Shorelines Hearings Board issues this

16 ORDER

17 The appeal is denied and the granting of the permit is sustained.

18 DONE at Lacey, Washington this 27th day of June, 1973.

19 SHORELINES HEARINGS BOARD

20 Walt Woodward  
WALT WOODWARD, Chairman

21 Mr. W. A. Gissberg became  
22 a member of this Board on  
23 January 15, 1973 and does  
24 not care to participate in  
25 this matter which he did not  
26 hear originally.

27 Ralph A. Beswick  
RALPH A. BESWICK, Member

Robert F. Hintz  
ROBERT F. HINTZ, Member

TRACY J. OWEN, Member

James T. Sheehy  
JAMES T. SHEEHY, Member

27 FINDINGS OF FACT,  
CONCLUSIONS AND ORDER